

NO. X06-UWY-CV-18-6046436-S	:	SUPERIOR COURT
ERICA LAFFERTY, ET AL	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	JULY 12, 2022

NO. X06-UWY-CV-18-6046437-S	:	SUPERIOR COURT
WILLIAM SHERLACH	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	JULY 12, 2022

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DEFENDANT'S MOTION FOR RECONSIDERATION RE: REQUEST TO CONTINUE TRIAL DATES

The defendant respectfully requests that the Court reconsider its denial of the defendant's Motion to Continue Trial and Reset Deadlines filed on June 8, 2022 (See, defendants' motion at dkt. #846.00 and Court's denial at dkt. #846.10). The defendant will be on trial in two matters proceeding in the state of Texas, and thus will be prevented from attending his trial in the above captioned cases as they are currently scheduled. The defendant cannot be in two places at once.

This conflict in scheduling is no fault of the defendants', and this Court's refusal to continue the trial to a time when he is not concurrently on trial in another state amounts to a Due Process violation. "The fundamental constitutional right of a person to have a jury trial in certain civil cases includes therein the ancillary right to be present at all stages of such a trial, except deliberations of the jury. Such right is basic to due process of law." *Helminski v. Ayerst Laboratories, Div. of American Home Products Corp.*, 766 F.2d 208, 214 (6th Cir. 1985).

In further support of this motion the defendant states the following:

1. Jury selection in the above captioned cases is scheduled to begin on August 2, 2022, and trial is scheduled to commence on September 6, 2022.
2. As the Court is aware, Mr. Jones and Free Speech Systems, LLC are currently the defendants in multiple civil suits being heard in Texas.
3. Two of those Texas cases are scheduled for trial dates that conflict with the scheduled trial dates in the above captioned cases. Those cases are:
 - a. *Heslin v. Jones*, GN-18-001842– a civil case arising from allegations involving the Sandy Hook Shootings. Trial is set to begin on July 25, 2022. Texas counsel estimates that the trial will take two to three weeks to complete.
 - b. *Fontaine v. Jones*, GN-18-001605 – a defamation case unrelated to the Sandy Hook School shootings. Trial is set to begin on September 18, 2022. Texas counsel estimates that this trial will take two to three weeks to complete.
4. Neither of the above-mentioned cases are expected to settle.
5. On June 8, 2022, the defendants filed their “Motion to Continue Trial and to Reset Deadlines,” on the basis that “Mr. Jones and Free Speech Systems, LLC are required to be on trial in Texas on other cases during [the months of August and September] and are unable to either attend the Connecticut trials or participate in the Connecticut proceedings during the months of August and September.” See, dkt. #846.00, at 1.

6. That same day, June 8, 2022, the Court denied the defendant's request. Stating in its order: "With respect to the trial continuance, the current dates for jury selection and evidence has been firmly set since August 5, 2021, and the court has made it clear that the trial will go forward as scheduled. Since the Texas courts have recently assigned new trial dates which conflict with this long-standing date, nothing prevents the movants from filing motions for continuance in the Texas cases, and attaching a copy of this order." See, dkt. #846.10.
7. The denial of the defendants' reasonable request to modify the trial dates to allow him to attend the trial proceedings in this case amounts to a Due Process violation.
8. The Court's decision puts the defendants in a position of having to decide which trial proceedings they will attend, and thus which trial they will be able to actively participate in their own defense in. This is a decision that no defendant should be forced to make and is a miscarriage of justice.
9. The Article I § 19 of the CT State Constitution holds that "The right of trial by jury shall remain inviolate."
10. Federally, the Fifth Amendment's due process clause and the Seventh Amendment to the U.S. constitution provide a civil litigant the absolute right to a jury trial and protect his right to be personally present at that trial.
11. While a civil litigant's right to be present at trial is not absolute, Federal Courts have held that "the extent of a civil litigant's right to be present at trial is appropriately analyzed under the due process clause of the Fifth Amendment."

Helminski v. Ayerst Laboratories, Div. of American Home Products Corp., 766 F.2d 208, 213 (1985).

12. The fact that the defendants are represented by counsel in the cases pending before this Court does not cure the Due Process violation. An attorney “is merely the representative or agent of the litigant and not the litigant’s ‘alter ego,’ *Carlisle v. County of Nassau*, 64 A.D.2d 15, 19, 408 N.Y.S.2d 114, 117 (1978), and a court may not exclude arbitrarily a party who desires to be present merely because he is represented by counsel; such exclusion would violate the due process clause of the Fifth Amendment.” *Id.*, citing *Fillippon v. Albion Vein Slate Co.*, 250 U.S. 76, at 81 (1919); see also, *Snyder v. Lehigh Valley Railroad Co.*, 245 F.2d 112, 114-15 (3d Cir. 1957) (en banc); *Arrington v. Robertson*, 114 F.2d 821, 823 (3d Cir. 1940)
13. When the denial of a litigant’s right to attend his own trial rises to the level of a constitutional due process deprivation in some circumstances, the court should certainly give serious weight to a litigant’s interest in attending his own trial when conducting a balancing test to determine the interests of justice. *Adkins v. Serv. Wire Co.*, 2002 U.S. Dist. LEXIS 21089, 16 (2002).
14. In this case, the interests of justice demand the trial be rescheduled so that the defendant may attend and assist in his own defense.
15. The defendants recognize that the trial date in the instant case has long been set, as were dates for the Texas cases. Prior to the filing of a bankruptcy petition for three now-dismissed entities, those trials could have taken place without requiring Mr. Jones to be present in two locations simultaneously. However, the

operation of the stay in both Texas and Connecticut resulted in the scheduling issue the Court now must consider.

16. In Texas, the two matters were rescheduled once the stay was lifted. Connecticut chose to adhere to the preset schedule, despite the fact that the pre-trial proceedings involving disclosure and depositions of experts were stayed. Upon lifting of the stay, Texas scheduled new dates, overlapping with pre-existing dates in Connecticut.

17. The defendants will be on trial in a Sandy Hook case in Texas as his trial involving similar action begins in Connecticut. He is a victim of the vagaries of the federalism and requests simply that the Connecticut case be adjourned until completion of the first Texas case.

WHEREFORE, for all of the foregoing reasons, the defendants respectfully request that this Court reconsider its previous ruling and grant their requests to modify the trial dates in the above captioned cases.

Respectfully Submitted,
Alex Jones,
Free Speech Systems, LLC;

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/s/ Kevin Smith /s/
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ORDER

The foregoing motion is hereby:

GRANTED / DENIED

By: _____
The Court

CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and pro se appearances as follows:

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